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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,039	07/30/2001	Matthew R. Kaser	PA-0035 US	4191

27904 7590 03/23/2004

INCYTE CORPORATION
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EXAMINER

HORLICK, KENNETH R

ART UNIT	PAPER NUMBER
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1637

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

8M-
**SUBSTITUTE
Notice of Allowability**

Application No.

09/919,039

Examiner

Kenneth R Horlick

Applicant(s)

KASER, MATTHEW R.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 08/11/03 and interview of 03/17/04.
2. ☒ The allowed claim(s) is/are 1-3, 6-8, 10-15, and 22 (final claims 1-13).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Kenneth R Horlick
Primary Examiner
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1. Upon review of the Notice of Allowance mailed 10/09/03, the absence of a primary stamp and signature mandated that a new Notice of Allowance be mailed. A new three-month shortened statutory period is started corresponding to the mailing date of this letter.

2. **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Streeter on 03/17/04.

Amend the claims as follows:

1. (currently amended) A composition comprising a plurality of cDNAs, said plurality of cDNAs comprising a sequence selected from SEQ ID NOs: 32, 186, 308, 323, or their complements.
2. (currently amended) The composition of claim 1, wherein said plurality of cDNAs comprises SEQ ID NO:32.
3. (currently amended) The composition of claim 1, wherein said plurality of cDNAs comprises SEQ ID NO:186.
4. (canceled)
5. (canceled)
6. (original) The composition of claim 1, wherein the cDNAs are immobilized on a substrate.
7. (currently amended) A high throughput method for detecting differential expression of one or more cDNAs in a sample containing nucleic acids, the method comprising:
 - (a) hybridizing the substrate of the composition of claim 6 with nucleic acids of the sample, thereby forming one or more hybridization complexes;
 - (b) detecting the hybridization complexes; and
 - (c) comparing the hybridization complexes with those of a standard, wherein differences between the standard and sample hybridization complexes indicate differential expression of cDNAs in the sample.
8. (currently amended) The method of claim 7, wherein the nucleic acids of the sample are amplified prior to hybridization.

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9. (canceled)
10. (original) A high throughput method of screening a plurality of molecules or compounds to identify a ligand which specifically binds a cDNA, the method comprising:
 - (a) combining the composition of claim 1 with the plurality of molecules or compounds under conditions to allow specific binding; and
 - (b) detecting specific binding between each cDNA and at least one molecule or compound, thereby identifying a ligand that specifically binds to each cDNA.
11. (original) The method of claim 10 wherein the plurality of molecules or compounds are selected from DNA molecules, RNA molecules, peptide nucleic acid molecules, mimetics, peptides, transcription factors, repressors and regulatory proteins.
12. (currently amended) An isolated cDNA selected from SEQ ID NOs:32, 186, 308, and 323.
13. (original) A vector containing the cDNA of claim 12.
14. (original) A host cell containing the vector of claim 13.
15. (original) A method for producing a protein, the method comprising the steps of:
 - (a) culturing the host cell of claim 14 under conditions for expression of protein; and
 - (b) recovering the protein from the host cell culture.
- 16-21 (canceled)
22. (New) The method of claim 7, wherein the sample is from liver, and differential expression is diagnostic of hyperlipidemia, hypertension, type II diabetes, or a liver tumor.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Horlick whose telephone number is 571-272-0784.

The examiner can normally be reached on Monday-Thursday 6:30AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571-272-0782. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kenneth R Horlick, Ph.D.
Primary Examiner
Art Unit 1637

03/17/04